

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAWN JOHNSTON,

Plaintiff,

v.

Case Number 06-12908-BC
Honorable Thomas L. Ludington

MATRIX INITIATIVES, INC, *et. al.*,

Defendants.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT, GRANTING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT AND DISMISSING CASE

This matter is before for the Court on a report issued by Magistrate Judge Charles E. Binder on December 18, 2006 recommending that the defendants' motion for summary judgment be granted. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, and an extension was granted until January 3, 2007, no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation is **ADOPTED**, the defendants' motion for summary judgment [dkt # 2] is **GRANTED**, and the case is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 12, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 12, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS